

particles of husk and cob. It was labeled in part: "Weideman Boy Brand Fancy Country Gentleman Corn Cream Style."

On May 5, 1942, the Rossville Packing Co., claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it be relabeled in compliance with the law.

**3542. Adulteration and misbranding of canned peas. U. S. v. Eastern Shore Canning Co. Plea of nolo contendere. Fine, \$125. (F. D. C. No. 2936. Sample Nos. 2659-E, 14356-E, 33186-E.)**

These canned peas were of substandard quality and they were not labeled to show that fact.

On September 11, 1941, the United States attorney for the Eastern District of Virginia filed an information against the Eastern Shore Canning Co., Machipongo, Va., alleging: (1) That on or about July 15, 1939, the defendant gave to Albert W. Sisk & Son, Preston, Md., a guaranty that all food furnished by the defendant to said company would be neither misbranded nor adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act; (2) That within the period from on or about June 3 to on or about June 8, 1940, the defendant sold and delivered to Albert W. Sisk & Son a quantity of canned peas; (3) that the said canned peas were introduced by the purchaser in interstate commerce from the State of Virginia into the States of Maryland and Massachusetts; and (4) that the defendant in violation of the law had given a guaranty that was false since the article so sold and delivered was (a) adulterated in that canned peas that were substandard in quality had been substituted for canned peas of standard quality, and (b) misbranded in that they purported to be or were represented as canned peas of the Alaska or other smooth skin variety, a food for which a standard of quality had been prescribed by regulations as provided by law, but their quality fell below the standard so prescribed since their alcohol-insoluble solids were more than 23.5 percent and the label did not bear in such manner and form as the regulations specify, a statement that the food fell below such standard.

The information alleged further that the defendant on or about June 5, 6, and 14, 1940, had delivered the said canned peas, adulterated and misbranded as described in the preceding paragraph, for introduction in interstate commerce from the State of Virginia into the States of Massachusetts and Pennsylvania. The article was labeled in part: "Virginia's Best [or "Esco Brand"] Early June Peas. Contents 1 Lb. 4 Ozs. Packed by Eastern Shore Canning Co."

On November 13, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$125.

**3543. Misbranding of canned peas. U. S. v. 371 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling upon deposit of collateral. (F. D. C. No. 3895. Sample No. 50659-E.)**

This product was substandard in quality because the skins of more than 25 percent of the peas in the container were ruptured, and the alcohol-insoluble solids of the peas were more than 23.5 percent.

On February 28, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 371 cases of canned peas at Culpeper, Va., alleging that the article had been shipped in interstate commerce on or about July 2, 1940, by Wm. Silver & Co., Inc., from Lineboro, Md.; and charging that it was misbranded. It was labeled in part: "Just Suits Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On August 14, 1941, Wm. Silver & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released upon deposit of cash collateral conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3544. Misbranding of canned peas. U. S. v. 224 Cases of Canned Peas. Default decree of forfeiture. Product ordered delivered to charitable institutions. (F. D. C. No. 6973. Sample No. 79624-E.)**

Examination showed that this product was not of Fancy quality because the peas were too old. The label did not bear the varietal name of the peas, Early June.

On March 4, 1942, the United States attorney for the Southern District of Indiana filed a libel against 224 cases of canned peas at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about August 5 and 16, 1941, by Clyman Canning Co. from Clyman, Wis.; and charging that it was misbranded in that the term "Fancy" appearing on the label was false and misleading as applied to said article, since it was not Fancy because the peas were too old; and in that it purported to be a food for which a definition and standard of identity had been prescribed by law, and its label failed to bear the name of the optional ingredient, i. e., "Early," "June," or "Early June." It was labeled in part: "Hoosier Poet Brand Fancy Extra Sifted Peas \* \* \* Packed For M. O'Connor & Co. Indianapolis, Ind."

On May 4, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to charitable institutions.

**3545. Misbranding of canned peas. U. S. v. 449 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6945. Sample No. 84541-E.)**

This product was not of Fancy quality because the peas were too mature.

On February 26, 1942, the United States attorney for the Eastern District of New York filed a libel against 449 cases of canned peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1941, by Marshfield Canning Co. from Marshfield, Wis.; and charging that it was misbranded in that the statement "Fancy," appearing on the label, was false and misleading as applied to canned peas that were not of Fancy quality. It was labeled in part: "Progresso Brand Fancy Tender Garden Sweet Peas."

On June 3, 1942, the Uddo & Taormina Co., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

**3546. Adulteration of canned spinach. U. S. v. 312 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 7133. Sample No. 83719-E.)**

Examination showed that this product contained insect fragments and larvae.

On April 8, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 312 cases, each containing 24 No. 2 cans, of spinach at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 26, 1941, by the Good Canning Co. from Fort Smith, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Iona Spinach Standard Quality \* \* \* The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3547. Adulteration of canned turnip greens. U. S. v. 32 Cases, 49 Cases, and 46 Cases of Canned Turnip Greens. Default decrees of condemnation and destruction. (F. D. C. Nos. 7111, 7163, 7348. Sample Nos. 70801-E, 70821-E, 70823-E, 70829-E.)**

Examination showed that this product contained cockleburrs.

On April 1, 8, and 15, 1942, the United States attorneys for the Northern and the Middle Districts of Georgia filed libels against 81 cases each containing 24 cans of turnip greens at Atlanta, and 46 cases each containing 24 cans of turnip greens at Columbus, Ga., alleging that the article had been shipped in interstate commerce on or about December 1 and 8, 1941, and February 10, 1942, by Alabama Products Canning Co., Inc., from Roanoke, Ala.; and charging that it was adulterated in that it contained an added deleterious substance, cockleburrs, which might have rendered it injurious to health. The article was labeled in part: (Cans) "Morris Brand Turnip Greens Contents 1 Lb. 2 Oz. [or "1 Lb. 11 Oz."]."

On May 1 and 16, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3548. Adulteration of canned turnip greens. U. S. v. 150 Cases and 5 Cases of Canned Turnip Greens (and 2 other seizure actions against turnip greens). Default decrees of condemnation and destruction. (F. D. C. Nos. 7469, 7530, 7603. Sample Nos. 48681-E, 70562-E, 70580-E.)**

Examination showed that this product was insect-infested.

On or about May 8 and 20 and June 4, 1942, the United States attorney for the Southern District of Florida filed libels against 150 cases each containing 6 cans